

Exhibit E

Case 1 :05-cv-00079-MBC Document 50 Filed 05/16/2007 Page 1 of 2

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

VALERIE W. WAKEFIELD,
Plaintiff,
v.
JOY MINING MACHINERY COMPANY, a
division of Hmnischfeger Industries,
Defendant.

). CIVIL DIVISION
)
) Civil A6tion No. 05 CV 79 - Erie }
) Honorable Maurice B. Cohill, Jr.
)
)
)
)
) JURY TRIAL DEMANDED
)
)

STATE OF NORTH CAROLINA

SS

COUNTY OF WAKE

AFFIDAVIT OF BOWARD J. HORTON.. JR.

The undersigned, Howard J. Horton, Jr., being sworn, deposes and states as follows based on personal knowledge:

- L My name is Howmd J. Horton, ..Jr..

2. I worked for Joy Mining Machinery from August 12, 1968 until October 14, 1988 at the Franklin, Peill1sylvania facility.

3. I was the IS Manager at that facility.

4. Ellie Averill worked in the depmtment that I managed.

5, I recall who Ellie Averill is.

6. Ellie Averill nevet complained to me or reported any allegations of S~"llia1 misconduct by Larry Meade, or any Joy employee.

Case 1 :05-cv-00079-MBC Document 50 Filed 05/16/2007 Page 2 of 2

J

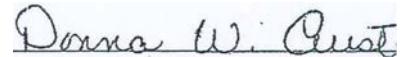
7. No complaints of sexual harassment were made to me by any Joy

e:employee while I was the IS Manager - or at any time that I worked for
Joy.


Howard J. Horton
HOWARD J. HORTON, JR.
fu.

Sworn to and subscribed before me this

.iP
~ day of YY\JU .2007.



Notary Public »C!|3~A W~. ~~+; tV

M3T Commission Expires: S IL-lj e rz I d2. 0 Df